

December 20, 2004

Service of the copy of the summons and amended complaint with exhibit(s) 1-7, were served on AUSA Michael P. Sady, via the Civil Process Clerk at the Office of the U.S. Attorney pursuant to Rule 4(i)(1)(A), Certified Mail #7003 0500 0004 5797 2609 on 12/20/04.

United States District Court  
Attn: Clerk, Lindsay, J., USDC  
5130 John J. Moakley Court House  
1 Courthouse Way  
Boston, Massachusetts 02210

RE: Tyree v. U.S. Army, Et al.  
C.A. 04-11430-RCL - Compliance  
With Order Of Lindsay, J., Of  
December 13, 2004 To Reserve  
Defendant Joseph Burzenski With  
Civil Action Via U.S. Marshal.

Dear clerk:

Pursuant to the Order of December 13, 2004, from Judge Lindsay, I have undertaken the following action. Please be so advised, thank you:

1. pursuant to Rule 4(i)(1)(A) "Serving the United States Its Agencies, Corporations, Officers, or Employees...(A) by delivering a copy of the summons and the complaint to the United States Attorney for the district in which the action is brought ...by sending a copy of the summons and of the complaint by registered or certified mail addressed to...the office of the United States Attorney..."

Defendant(s) United States Army, and U.S. Army CID Agent Paul Mason were served via Rule 4(i)(1)(A)(C) with Certified Mail, seen attached #7003 0500 0004 5797 6812, and #7003 0500 0004 5798 4671, on the Office of the United States Attorney, as further seen at Docket #4 in the docket of the above cited case. Docket entry dated 7/30/2004;

2. pursuant to Rule 4(i)(1)(A), I have effected service of a copy of the summons and the Amended Complaint with Exhibit 1-7, on the Office of the United States Attorney for Defendant Joseph Burzenski, U.S. Army CID (Retired), by mailing same Certified Mail to Assistant United States Attorney Michael P. Sady, 9200 John J. Moakley Courthouse, One Courthouse Way, Boston, Massachusetts,

Page two  
Letter To U.S. District Court  
December 20, 2004

02210, who is the Assistant United States Attorney listed at the docket in the above entitled case. As counsel for Defendant Burzenski, pursuant to Rule 4(i)(1)(A), Mr. Sady is authorized to receive service of the summons and amended complaint with exhibit 1-7 on behalf of Defendant Burzenski.

I have further served Mr. Sady for two additional reasons with a copy of the summons and the amended complaint with exhibit 1-7, as counsel for Joseph Burzenski:

(a). Mr. Burzenski contacted the prison in Walpole, Massachusetts, after he refused Certified U.S. Mail service in July 2004, and complained to prison staff, Sergeant Pat Mullvey, that I attempted to contact him. Sgt. Mullvey interviewed me and gave me a direct order to have no further dealings with Burzenki of any description including contact through a second person with Burzenski. For that reason, I could not serve Burzenski by U.S. Marshal as that would constitute second person association with Burzenski. I have served Mr. Sady who is counsel of record for Joseph Burzenski for that reason;

(b). Mr. Sady has already filed two motions for a first, and second enlargement of time to investigate and file an answer to the amended complaint with exhibit 1-7 in support thereof. Both mothions failed to outline that they did not represent Mr. Burzenski (due to lack of service, or improper service). As such, they are seen to waive that objection. Further, Mr. Sady is aware that I have attempted in good faith to serve Mr. Burzenski, and that the events detailed in this letter have taken place.

Based on the contents of this letter, I have served all three defendants in the above action at Dcoket 04-11430-RCL via the Federal Rules of Civil Procedure, Rule 4(i)(1)(A), and will make proof of service on Mr. Burzenski, as soon as the Certified Mail Card is returned from the office of AUSA Michael P. Sady.

Thank you for your time in this matter, and I trust that this has addressed the Order of Judge Lindsay.

Respectfully submitted,

*William M. Tyree*  
William M. Tyree  
Pro se  
P.O. Box-100  
S. Walpole, MA. 02071

\* SERVICE PURSUANT TO  
(RULE 4(i)(1)(A)(C))

cc: AUSA Sady  
file

SEE F.R.C.P. RULE 4(i)(C)(2)  
CERTIFIED MAIL TO U.S. OFFICER.  
ALSO SEE RULE 4(i)(C)(3).

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S. Walpole, MA. 02071

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

 U.S. Dept. of Justice  
 John J. Moakley Courthouse  
 1 Courthouse Way, Suite 9200  
 Boston, Massachusetts  
 02210
Attn: Michael J. Sullivan

## 2. Article Number

(Transfer from service label)

7003 0500 0004 5798 4671

PS-Form 3811, August 2001

Domestic Return Receipt

102595-02-M-103

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X *[Signature]*☐ Agent☐ Addressee

## B. Received by (Printed Name)

C. Date of Delivery

## D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☒ No

## 3. Service Type

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City, State, ZIP+4

Boston, MA. 02210

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<p>1. Article Addressed to:</p> <p>Paul Mason/Dept. of Justice John J. Moakley Courthouse 1 Courthouse Way, Suite 9200 Boston, Massachusetts 02210</p>		<p>B. Received by (Printed Name) _____ C. Date of Delivery <u>7/6</u></p>	
<p>2. Article Number (Transfer from service label)</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below: _____</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>PS Form 3811, August 2001</p>		<p>Domestic Return Receipt</p>	

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Boston, MA. 02210	
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See Reverse for Instructions	